

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PERRY BRIAN OSHIRO,

Plaintiff,

v.

CLARK COUNTY DETENTION CENTER,

Defendant.

Case No.: 2:23-cv-01867-JAD-VCF

ORDER

On November 13, 2023, pro se plaintiff Perry Brian Oshiro, an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. (ECF No. 1-1). Plaintiff did not pay the \$402 filing fee or file an application to proceed *in forma pauperis*. (ECF No. 1). Plaintiff subsequently filed document noting that he included a financial certificate with his complaint. (ECF No. 5). An application to proceed *in forma pauperis* must include: **an application to proceed *in forma pauperis* filed on this Court's approved form, a financial certificate, and an inmate trust fund account statement for the previous six-month period.** The Court will give Plaintiff the opportunity to correct these deficiencies **by January 19, 2024.**

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). "Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*." Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed *in Forma Pauperis* for Inmate**, which is pages 1–3 of the Court's approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court's approved form, that is properly signed by both the inmate and a

1 prison or jail official; and (3) a copy of the **inmate's prison or jail trust fund account**
 2 **statement for the previous six-month period.** See 28 U.S.C. § 1915(a)(1)–(2); Nev.
 3 Loc. R. Prac. LSR 1-2. *In forma pauperis* status does not relieve an inmate of his or her
 4 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
 5 See 28 U.S.C. § 1915(b).

6 As explained above, Plaintiff's application to proceed *in forma pauperis* is
 7 incomplete. The Court will therefore deny Plaintiff's application to proceed *in forma*
 8 *pauperis* without prejudice and grant Plaintiff an extension of time to either pay the filing
 9 fee or file a new fully complete application to proceed *in forma pauperis* with all three
 10 required documents.

11 **II. CONCLUSION**

12 It is therefore ordered that Plaintiff has **until January 19, 2024**, to either pay the
 13 full \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with all
 14 three required documents: (1) a completed application with the inmate's two signatures
 15 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
 16 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
 17 previous six-month period.

18 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
 19 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
 20 to refile the case with the Court, under a new case number, when Plaintiff can file a
 21 complete application to proceed *in forma pauperis* or pay the required filing fee.

22 The Clerk of the Court is directed to send Plaintiff Perry Brian Oshiro the approved
 23 form application to proceed *in forma pauperis* for an inmate and instructions for the same
 24 and retain the complaint (ECF No. 1-1) but not file it at this time.

25 DATED THIS 17th day of November 2023.

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28 UNITED STATES MAGISTRATE JUDGE